

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:05CR
)	
BURHAN MAHMOD HINAWI,)	
)	
Defendant)	

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Robert E. Connelly II, being duly sworn, depose and state as follows:

1. I am a Special Agent with Immigration and Customs Enforcement (ICE) of the Department of Homeland Security and have been so employed since March 2003. From November 2001 to March 2003, I was employed as a Special Agent with the U.S. Customs Service. I am currently assigned to the Washington Field Office. Prior to joining the U.S. Customs Service, I obtained a Bachelors Degree in Criminology from the Indiana University of Pennsylvania and have worked as a police officer for the Office of Naval Intelligence, Department of Defense, for approximately two and a half years.

2. I make this affidavit in support of a Criminal Complaint charging Burhan Mahmod Hinawi (DOB 08/11/1961) with Production of Visual Depictions of a Minor Engaged in Sexually Explicit Conduct in violation of Title 18, United States Code, Sections 2251(c)(1).

3. The facts and information in this affidavit are based upon my personal knowledge as well as the observations of other law enforcement agents and officers involved in this investigation. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

4. On July 18, 2005, inbound passenger, Burhan Mahmod Hinawi (DOB 08/11/1961, SSN#244-35-6224, US PPN #016539419) arrived at Washington Dulles International Airport (IAD) aboard Austrian Airlines flight 93 from Damascus, Syria via Vienna, Austria. HINAWI has been a naturalized United States citizen since 1990, Citizenship and Immigration Service (CIS) alien number 026592855.

5. Customs and Border Protection Officer (CBPO) Wilson referred HINAWI at 1445 hours for possible undeclared/contraband items. At 1542 hours, CBPO Coppolo initiated a baggage examination at Customs and Border Protection Baggage Control (CBP/BGC) and requested CBPO Greene to conduct an inspection of HINAWI's laptop computer while CBPO Coppolo conducted an examination of HINAWI's personal (homemade) videotapes. CBPO Greene found what appeared to be child pornography located on HINAWI's laptop.

6. Further checks of HINAWI's laptop by CBPO Greene revealed what appeared to be visual depictions of HINAWI engaging in various sexual acts with a male who appeared to be between the ages of 12 and 15. At 1615 hours Supervisory Customs and Border Protection (SCBPO) Olivier was notified of the situation and CBPO Greene contacted ICE Special Agent (SA) R. Connelly.

7. S/A Connelly arrived at IAD at 1630 hours and discussed the current situation with HINAWI, who was partially cooperative. SA Connelly told HINAWI that he was not under arrest and that more information would need to be gathered through a computer forensics analysis. HINAWI was advised that his laptop would be detained pending computer forensics.

8. At the same time, CBPO Coppolo continued reviewing the homemade videotapes. CBPO Coppolo found a videotape of HINAWI engaging in various sexual acts with what appears to be a male approximately 12-15 years old. CBPO Coppolo showed video that he found to SA Connelly. SA Connelly then told HINAWI that based on the newly discovered information that he would most likely be arrested.

At that point HINAWI requested an attorney before SA Connelly had an opportunity to read HINAWI his Miranda rights.

9. CBPO Coppolo showed the video to CBPO Greene who agreed that the child appeared to be approximately 12 to 15 years of age. This same video depicted HINAWI engaged in sexual acts with the child. Both CBP officers and SA Connelly agreed that this person in the video was HINAWI. HINAWI was wearing the same necklace and bracelet on his person as in the homemade video.

10. HINAWI appears in several video recordings engaging in sexual acts with minor children. In at least one video, the person holding the camera appears to place the camera in a fixed position. HINAWI then peers into the camera's lens at close range from the left before advancing to a child on a bed and then engaging in sexual acts with the child. In one video, HINAWI appears to be playing a pornographic movie for a minor male. HINAWI proceeds to undress the boy and engage in various sexual acts with the boy including fellatio, masturbation, digital penetration of the boy's anus, analingus, and sexual intercourse. At various times in the recorded event, HINAWI looks back toward the camera. At one point, a very small child drinking from a baby bottle can be seen on the same bed on which HINAWI is engaging in sexual acts with the minor boy.

11. Your affiant's investigation included reviewing a record from the National Crime Information Center which showed that BURHAN MAHMOD HINAWI, aka Tony Hinawi, aka Mahmod Hinawi was convicted on 5/12/1993 of three felony counts of Indecent Liberties with a Child in Mecklenburg County Superior Court, Charlotte, NC and sentenced to 10 years with 5 years suspended, 5 years probation and ordered to serve Saturdays in jail for 6 months.

12. Further investigation has revealed that BURHAN MAHMOD HINAWI traveled to Syria on or about June 15, 2005 and returned to the United States arriving at Washington Dulles International Airport in the Eastern District of Virginia on July 18, 2005.

13. Based on the foregoing, there is probable cause to believe that on or about July 18, 2005, within the Eastern District of Virginia, BURHAN MAHMOD HINAWI, did unlawfully, knowingly and intentionally produced visual depictions of child minors engaging in sexually explicit conduct in violation of 18 U.S.C. 2251(c) (1) .

Robert E. Connelly, II
Special Agent
Immigration and Customs Enforcement

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF July 2005.

Liam O'Grady
UNITED STATES MAGISTRATE JUDGE